

## **REMARKS**

Claims 3-8 and 10 are now pending in the present application. Claims 1, 2 and 9 have been cancelled. Claim 10 has been added. Claim 3 has been amended for clarity. Support for the amendment can be found throughout the application, for example, at least at Fig. 3 and ¶¶[0041]-[0051]. Claims 3 and 10 are the independent claims.

### ***Rejections under § 101***

Claims 3-8 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Specifically, the Office Action asserts that claims 3-8 are drawn to a computer program *per se*, which does not constitute physical articles or other forms of matter. Applicants have amended claim 3 to recite a “processor,” a statutory physical structure. In addition, Applicants have amended claim 3 to useful, concrete, and tangible result, “commodity control byte data.” Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections to claims 3-8 under 35 U.S.C. § 101.

### ***Rejections under § 103(a)***

Claims 3-8 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Application Publication No. 2002/0198791 to Perkowski *et al.* (“Perkowski”). Applicants respectfully submit that the claims patentably define over Perkowski because the Perkowski do not disclose, teach or suggest the features recited in the claims as a whole including a ***commodity control byte data***.

Claim 3 now recites a ***commodity control byte data***. The commodity control byte data may include a commodity identification information for identifying the commodity, manufacturer information associated with a plurality of manufactures that have manufactured the commodity and client information associated with a plurality of clients that have acquired the commodity. Also, claim 3 has been further amendment to recite that the commodity control byte data may be extended in a ***linear*** fashion.

For example, as a commodity flows from one manufacture to a second manufacture, the commodity control byte data may be ***linearly extended*** by adding manufacturer information received from the second manufacture to the byte data. As the commodity control byte data may

be configured to track a plurality of manufactures, the manufacturer information associated with the first manufacture remains on the record, rather than being updated or replaced by the latest manufacture. Similarly, information associated with a third manufacture may also be added to the commodity control byte data. Moreover, as the commodity flows from one client (*e.g.* a distributor) to a second client (*e.g.* a shipping company), the commodity control byte data may be *linearly extended* by adding client information associated with the second client to the byte data. The linear extendibility of the commodity control byte data can easily be converted to a barcode and be attached to the commodity itself. In addition, by centrally and linearly maintaining the information associated with a plurality of manufactures and a plurality of clients, data compression can easily be carried out.

Perkowski, on the other hand, does not disclose, teach or suggest a *commodity control byte data* that may be *linearly extended*. While Perkowski discloses a system that may store consumer-product information to retailers, manufacture information and consumer information, Perkowski uses a *relational database* management system to store such information (Perkowski, Figure 2-1 and paragraph [0418]). Perkowski does not teach or suggest that the retailer information, manufacture information or consumer information may be *linearly extended* as a product moves through a plurality of manufactures, a plurality of retailers or consumers.

For at least the foregoing reasons, independent claim 3 patentably defines over the teachings of Perkowski. As claims 4-8 depend from claim 3, claims 4-8 also patentably define over the teachings of the asserted reference.

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**PATENT**

Accordingly, for at least the foregoing reasons, Applicant respectfully submits that the claims patentably define over the cited art. Applicant respectfully submits that the present application is in condition for allowance and requests reconsideration of the application and a Notice of Allowance for claims 3-8, and 10.

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